

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY
WRIT PETITION NO : 9565 of 2004

Between:

T.Parvathi W/o Chinna Obulesu Julakalva village,
Singanamala Mandal Anantapur Dist

..... PETITIONER

AND

- 1 The Joint Collector , Anantapur
- 2 The Revenue Divisional Officer Anantapur
- 3 The Mandal Revenue Officer , Singanamala
Anantapur Dist
- 4 N.Ramalakshamma @Peddakka W/o N.Pakeerappa
Julakalva Village, Singanamala Mandal Anantapur
dist

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of Mandamus or any other appropriate writ or direction declaring the order of the 1st respondent passed in D.Dis.No.K4/ATP/329/2004 dt. 27/05/2004 as illegal arbitrary and is in violation of principles of natural justice

For the Petitioner: MR.O.MANOHER REDDY

For the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following:

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ORDER:

This writ petition is filed by the petitioner questioning the order of first respondent-Joint Collector, Anantapur, dated 27.05.2004 under which her appointment as Fair Price Shop Dealer was set aside and the second respondent was directed to re-notify the said vacancy on the ground that there was no proper publication of the notification while calling for applications and therefore there was only one application of the petitioner. Therefore, the first respondent directed the second respondent to re-notify the vacancy and consider the applicants for appointment.

2. The grievance of the petitioner is that though an appeal is filed before the first respondent by the fourth respondent, it was allowed without impleading her as a party-respondent in the appeal and further without issuing any notice, the appointment of the petitioner as Fair Price Shop Dealer was set aside. According to the learned counsel for the petitioner, apart from the merits, the impugned order suffers from violation of principles of natural justice and therefore he sought for setting aside the impugned order.

3. The learned Government Pleader for Civil Supplies

has fairly conceded that the petitioner was not made a party before passing the impugned order.

4. Under the above circumstances, the impugned order of the first respondent is set aside for violation of principles of natural justice and the matter is restored to the file of the first respondent-appellate authority and the appellate authority is further directed to issue notice to the petitioner whose appointment was assailed in the appeal and after hearing the petitioner and the fourth respondent, the matter may be disposed of afresh on merits.

5. With the above directions, the writ petition is disposed of at the admission stage itself. No costs.

16th June, 2004

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

To

- 1 The Joint Collector , Anantapur.
- 2 The Revenue Divisional Officer Anantapur.
- 3 The Mandal Revenue Officer , Singanamala
Anantapur Dist.
4. G.P. for Civil Supplies, High Court Buildings,
Hyderabad.
5. 2 CD copies.